

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled HYBRID PHTHALOCYANINE DERIVATIVES AND THEIR USES specification of which

\_\_\_\_\_ is attached hereto.

X was filed on 3/22/96 as Application Serial No. 08/620597.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):  
  
  

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Timothy J. Lithgow, Reg. No. 36,856.

Kindly recognize as associate attorney:

Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,035; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Robert C. Laurenson, Reg. No. 34,206; Suzanne L. Biggs, Reg. No. 30,158; Steven M. Weiss, Reg. No. 37,534; Matthew W. Knight, Reg. No. 36,846; Richard J. Warburg, Reg. No. 32,327; Jessica R. Wolff, Reg. No. 37,261; Sheldon O. Heber, Reg. No. 38,179; Jeffrey W. Guise, Reg. No. 34,613; F.T. Alexandra

Mahaney, Reg. No. 37,668; Charles S. Berkman, Reg. No. 38,077; Anthony C. Chen, Reg. No. 38,673; and Timothy J. Lithgow, Reg. No. 36,856; of LYON & LYON, First Interstate World Center, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066, telephone (213) 489-1600.

Address all telephone calls to Timothy J. Lithgow at telephone no. 619-552-8400.

Address all correspondence to First Interstate World Center, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Full name of sole or first inventor Kenneth F. Buechler

Inventor's signature Kenneth F. Buechler Date: 5/31/96

Residence 12523 Manifesto Place, San Diego, California 92071

Citizenship United States of America

Post Office Address \_\_\_\_\_

Full name additional inventor Joseph B. Noar

Inventor's signature J. B. Noar Date: 5/31/96

Residence 324 Via Chica Court, Solana Beach, California 92075

Citizenship United States of America

Post Office Address \_\_\_\_\_

Full name additional inventor Lema Tadesse

Inventor's signature L. Tadesse Date: 5/31/96

Residence 8580-8 New Salem Street, San Diego, California 92126

Citizenship United States of America

Post Office Address \_\_\_\_\_

Applicant or Patentee: Kenneth F. Buechler; Joseph B. Noar; and, Lema Tadesse  
 Serial or Patent No.: 08/620,597  
 Filed or Issued: March 22, 1996  
 For: HYBRID PHTHALOCYANINE DERIVATIVES AND THEIR USES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
 (37 CFR 1.9(d) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: BIOSITE DIAGNOSTICS, INC.  
 ADDRESS OF CONCERN: 11030 Roselle Street, Suite D, San Diego, CA 92121

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above-entitled invention, by inventor(s) Kenneth F. Buechler; Joseph B. Noar; and, Lema Tadesse, described in

the specification filed herewith  
 application serial number 08/620,597, filed March 22, 1996  
 Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

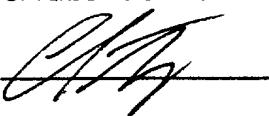
\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME ADDRESS	<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> SMALL BUSINESS CONCERN	<input type="checkbox"/> NONPROFIT ORGANIZATION
NAME ADDRESS	<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> SMALL BUSINESS CONCERN	<input type="checkbox"/> NONPROFIT ORGANIZATION
NAME ADDRESS	<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> SMALL BUSINESS CONCERN	<input type="checkbox"/> NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Christopher W. Twomey  
 TITLE OF PERSON OTHER THAN OWNER: Vice President  
 ADDRESS OF PERSON SIGNING: 11030 Roselle Street, Suite D  
San Diego, CA 92121

Signature 

Date

6/26/96